

Response to rejection of Claims 1-12 under 35 USC § 103

The applicant respectfully submits that all prior art for devices of the nature of the subject invention shows the use of rigid couplings that provide a functional pivot point at only one point between the shafts of two grasping elements. The couplings prevent rotation of the shafts around their axes and prevent movement of the coupling element along the shafts to change the way that the elements function, which are novel features of the subject invention. From Jones '073, in view of Davis '359, it would not be obvious to use a flexible coupling between the grasping elements that could be moved to provide functional pivot points anywhere along the length of the shafts and would also permit rotation of the elements along the axes of their shafts..

Jones '073, Bricker '267 and Laughlin '266 all claim or show various devices which couple the shafts of two grasping devices (rakes, shovels or scoops) at a pivot point about midway up the shafts. The couplings are in all instances fixed because a bolt or rod passes through the shafts to provide a common axis for rotation of the elements about the pivot point. The bolt or rod prevents rotation of the grasping devices along the axes of their shafts.

Davis '359 claims an improved post hole digger with a moveable coupling between the two digging shovels. The lower shafts of these shovels have square cross sections which fit through square holes in the coupling. This feature intentionally prevents the shafts from rotating along their axes. The coupling can be slipped up on one shaft to allow one shovel to be raised so that the other can be thrust into the ground separately. Then the raised shovel can be lowered and driven into the ground. The invention provides a method for moving one shovel temporarily out of the way of the other, but does not change their juxtaposition when used as a post hole digger. The device does not function as a post hole digger when the coupling is moved from its lowest position. Only one functional pivot point is provided.

Jones does not provide the feature of moving one opposing element out of its functional position. Reading Jones, in view of Davis, it would be obvious to use a sliding coupling as a means for getting one grasping device (scoop) out of the way of the other temporarily and then returning it to the same functional position. It would not be obvious that a sliding coupling could be used to change the working positions of the elements. The result achieved in Davis is accomplished in Laughlin by the inconvenient method of rotating one rake 180 degrees so that its tines are essentially at the end of the shaft of the other (operating) rake, and is accomplished in Bricker by a novel pivot coupling that can be rotated to uncouple it. No one since Davis has claimed a sliding coupling to temporarily remove one of the coupled elements from its normal operating position, and that is not a claimed feature of the subject invention.

The subject invention claims a moveable, flexible coupling that can be moved from the configuration shown in Figure 1 of the specification to the configuration shown in Figure 2, thus changing the way that the elements work together. The flexible coupling also permits the elements to be rotated on their axes, so that rakes, for example, can be used side-by-side to double their raking capacity. None of these features are possible with Davis or any of the other cited inventions. Reading Jones, in view of Davis, it would not be obvious to use a sliding coupling as a means for moving the coupling from one

working configuration to another or permitting rotation of the grasping elements around their axes.

In the one hundred and sixteen years since Davis was granted, a great number of inventors have disclosed devices employing coupled opposed shovels or rakes. In every instance, couplings of rigid materials were shown or claimed, but in no instance did they provide for moving the coupling to change the operating configuration of the parts. Such inventors include *Dirkson*, 4,991,386, Fiorentino, 4,037,397, and *Cox*, 3,688,484 in addition to Jones, Bricker and Laughlin. If they believed that flexible couplings would work or that benefits would result from changing the working relationship of the grasping elements by moving the coupling along the shafts, their claims would have been extended to cover such features or they would have disclosed them in their specifications. Instead, they taught that rugged, fixed pivots were required. In view of Davis and all the other inventions, it was unexpected that a flexible, moveable coupling would have utility. The very long time that devices of the nature of the subject invention have been known and improved by scores of inventions argues that the subject invention was not obvious because no one thought of it in all that time.

Of course, Jones was not granted until nearly a year after the subject application was filed, so the applicant did not have knowledge of Jones. Without conceding that the subject invention would be obvious from Jones, in view of Davis, it is clear that the subject invention could not have been obvious to the applicant when the invention was conceived.

In view of the foregoing, applicant respectfully requests that the Examiner reconsider and withdraw the grounds for objection and rejection of claims 1-12.

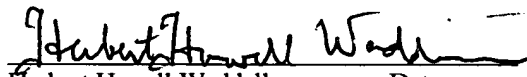
If a telephone conference would be of assistance in advancing prosecution of the subject application, please call the applicant at the phone number below.

Respectfully submitted,



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Herbert Howell Waddell Date
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